



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,751	03/09/2004	Robert B. Huston	37088-DIV2	4221
23589	7590	06/15/2006		
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			EXAMINER JOHNSON, STEPHEN	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,751

Applicant(s)

HUSTON, ROBERT B.

Examiner

Stephen M. Johnson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28, 31-33, 36, 38-45 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-28, 31-33, 36, 38-42, 44 and 48-53 is/are rejected.
- 7) ☒ Claim(s) 43 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3641

1. Claims 21-28 and 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 lacks a period at the end of the claim.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 36, 38-42, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Wicks (513).

Wicks (513) discloses a firearm barrel comprising:

- | | |
|---|-------------------------|
| a) a breech portion with minor and major bores; | 11 |
| b) an elongate rifled insert member; | 12; col. 2, lines 37-42 |
| c) a rigid elongate tubular sleeve; | 16 |
| d) a casing of filament wound material; and | 18; col. 2, lines 52-58 |
| e) a muzzle portion. | 26 |

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks (513) in view of Manshel (243).

Art Unit: 3641

Wicks applies as recited above. However, undisclosed is an outer wrapping material that is fiberglass. Manshel teaches an outer wrapping material that is fiberglass (col. 2, lines 3-4). Applicant is substituting one material type of wrapping material for another in an analogous art setting as explicitly encouraged by the primary reference (see col. 2, lines 52-58 of Wicks). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Manshel to the Wicks firearm barrel and have a firearm barrel with a different material type of outer sheath material.

6. Claims 49-50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crandall (374) in view of either Evans et al. (416) or Coupland (144).

Crandall (374) discloses a firearm barrel comprising:

- | | |
|---|---|
| a) a rigid tubular sleeve; | 83 |
| b) a breech area; | 25 |
| c) a muzzle portion; | 86 |
| d) a stem having serrations; | internal threads on 86;
col. 10, lines 28-45 |
| e) an elongated rifled insert member; and | 80; col. 1, lines 34-36 |
| f) a casing. | 81 |

Crandall (374) applies as recited above. However, undisclosed is a separate breech portion member tightly attached to the exterior casing. Evans et al. (elements 1, 4, and 3) and Coupland (elements 17, 18, 9, 14, and 7) each teach a separate breech portion tightly attached to an exterior casing. Applicant is substituting one breech barrel arrangement for another in an analogous art setting as explicitly taught by numerous art references in this art. It would have

Art Unit: 3641

been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Evans et al. or Coupland to the Crandall firearm barrel and have a firearm barrel with a different breech barrel arrangement.

With regard to claim limitations directed to “molded into engagement” and “is molded over”, note that claim limitations directed to the method for making in the confines of an article claim do not serve to further limit the article claim (see *In re Dike*, 157 USPQ 581 (CCPA 1968)).

7. Claims 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crandall (374) in view of either Evans et al. (416) or Coupland (144) as applied to claims 49-50 and 52 above, and further in view of Christensen (568).

Crandall, Evans et al., and Coupland apply as previously recited. However, undisclosed is an adhesive for securely attaching one barrel element to another or an outer casing of a blend of a polymer and carbon fibers. Christensen teaches an adhesive for securely attaching one barrel element to another (col. 4, lines 48-50) as well as an outer casing of a blend of a polymer and carbon fibers (col. 4, lines 23-28). Applicant is selecting a particular means for connecting one barrel element to another in an analogous art setting. Further, applicant is substituting one material type of casing material for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Christensen to the firearm barrel of Crandall in view of either Evans et al. or Coupland and have a firearm barrel with the use of an adhesive for attaching and with a different material type of outer casing.

Art Unit: 3641

8. Claims 21-28 and 31-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Claims 43 and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Applicant's arguments with respect to claims 36, 38-42, 44, and 48-53 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

Art Unit: 3641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
June 9, 2006